

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 05: 09-CV-480-D**

**JACOB MARTIN, III** )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**Sessoms & Roger, P.A.,** )  
**Unifund CCR Partners** )  
**Defendants.** )

**PLAINTIFF'S RESPONSE  
TO DEFENDANTS' MOTION  
TO DISMISS COMPLAINT**

**COMES NOW**, Plaintiff Jacob Martin, III, by and through counsel, and responds to Defendants' Motion to Dismiss as follows:

- 1) Plaintiff has filed an Amended Complaint as of right in this action this date (D.E. #16).
- 2) The Amended Complaint supplants the Complaint (D.E. #1).
- 3) Defendants' Motion to Dismiss (D.E. #7) pertained to the Complaint.
- 4) With the filing of his Amended Complaint, Defendants' Motion to Dismiss has become moot.

WHEREFORE, Plaintiff respectfully prays this Court deny Defendants' Motion to Dismiss as MOOT.

Respectfully submitted this 1<sup>st</sup> day of February 2010.

MARTIN ATTORNEY AT LAW, PLLC

By:       /s/Angela O. Martin        
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<b>Plaintiff,</b>	)
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<b>Unifund CCR Partners</b>	)
<b><u>Defendants.</u></b>	)

**CERTIFICATE OF SERVICE**

I certify that on February 1, 2010, I electronically filed the foregoing Response with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Jeff Young  
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1100 Crescent Green Drive, Suite 200  
Cary, NC 27518  
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Respectfully submitted this 1st day of February 2010,

MARTIN ATTORNEY AT LAW, PLLC

By: /s/Angela O. Martin  
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